

ESTTA Tracking number: **ESTTA442556**

Filing date: **11/22/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201180
Party	Defendant MasterFit Enterprises, Inc.
Correspondence Address	Jeffrey A. Lindenbaum Collen IP The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com
Submission	Motion to Extend
Filer's Name	Jeffrey A. Lindenbaum
Filer's e-mail	jlindenbaum@collenip.com, docket@collenip.com
Signature	/Jeffrey A. Lindenbaum/
Date	11/22/2011
Attachments	M1009_motion extension time Answer_111122.pdf (3 pages)(10870 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

_____	X	
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Superfeet Worldwide, Inc.	:	
	:	
Opposer,	:	
	:	Opposition No. 91201180
v.	:	
	:	Mark: EZ·FIT
MasterFit Enterprises, Inc.	:	
	:	Serial No. 85272478
Applicant.	:	
	:	
_____	X	

MOTION FOR 30-DAY EXTENSION OF TIME TO ANSWER

Applicant, MasterFit Enterprises, Inc. respectfully moves the Board for a 30-day extension of time to Answer the Notice of Opposition.

The Parties have been discussing a possible settlement of this matter. On November 7, 2011, Applicant sent a written settlement agreement to Opposer for its consideration. Yesterday, November 21, 2011, Opposer responded to the settlement proposal and provided a counter-proposal for settlement. In order to provide Applicant an opportunity to consider Opposer's counter-proposal, and alternatively to give counsel sufficient time to prepare an Answer to the Notice of Opposition, Applicant seeks this extension of time. Applicant states that if a settlement cannot be reached, it intends to defend this Opposition on its merits. In light of the above, and the upcoming Thanksgiving holiday, Applicant submits that good cause has been established for this extension.

Applicant requests that its time to Answer, and the remaining trial calendar be reset as follows:

Time to Answer : 12/24/2011
Deadline for Discovery Conference : 01/23/2012
Discovery Opens : 01/23/2012
Initial Disclosures Due : 02/22/2012
Expert Disclosure Due : 06/21/2012
Discovery Closes : 07/21/2012
Plaintiff's Pretrial Disclosures : 09/04/2012
Plaintiff's 30-day Trial Period Ends : 10/19/2012
Defendant's Pretrial Disclosures : 11/03/2012
Defendant's 30-day Trial Period Ends : 12/18/2012
Plaintiff's Rebuttal Disclosures : 01/02/2013
Plaintiff's 15-day Rebuttal Period Ends : 02/01/2013

Respectfully Submitted,

/Jeffrey A. Lindenbaum/
Jeffrey A. Lindenbaum
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, New York 10562
Tel. 914-941-5668
Fax. 914-941-6091
jlindenbaum@collenip.com
Attorney for Applicant

Dated: November 22, 2011
JAL:pm

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

CERTIFICATE OF FILING AND SERVICE

I, Jeffrey A. Lindenbaum, hereby certify that on November 22, 2011 I caused a true copy of the foregoing Motion for Extension of Time to be filed electronically with the Trademark Trial and Appeal Board, and to be served upon William O. Ferron Jr of Seed IP Law Group, PLLC, 701 Fifth Avenue, Suite 5400 Seattle, Washington 98104 via email and First Class Mail.

/Jeffrey A. Lindenbaum/

November 22, 2011